

**REDACTED - FOR PUBLIC INSPECTION**

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

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**REDACTED VERSION – WITHOUT ATTACHMENTS**

September 10, 2013

**Ex Parte Filing**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12th Street Lobby, Room TW-A325  
Washington, D.C. 20554

Re: *Composition of SMS/800, Inc.*, WC Docket No. 12-260  
*Toll Free Service Access Codes*, CC Docket No. 95-155

Dear Ms. Dortch:

I have attached to this letter copies of the current by-laws of SMS/800, Inc. (the “Company”) (Ex. A) and draft by-laws of the Company that would replace the current by-laws in the event the Commission approves the transfer of the SMS/800 Functions Tariff (the “Tariff”) from the BOCs to the Company (Ex. B). The draft by-laws are subject to revision to reflect the terms of any Commission order approving the Company’s Petition To Change the Composition of SMS/800, Inc., filed in the above-captioned dockets on September 13, 2012, or the subsequent application for transfer of control over the Tariff.

Pursuant to § 0.459 of the Commission’s rules and § 552(b)(4) of the Freedom of Information Act (“FOIA”),<sup>1</sup> the Company requests confidential treatment of the attached by-laws. The by-laws have not been made public and have been treated as confidential information by the Company. The Company is concurrently filing a redacted version of this letter without the confidential attachments in the public docket.

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<sup>1</sup> 47 C.F.R. § 0.459; 5 U.S.C. § 552(b)(4) (exemption 4 of the FOIA provides that an agency need not disclose “trade secrets and commercial or financial information obtained from a person [which is] privileged or confidential”).

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The Company accordingly requests that the attachments to the unredacted letter be withheld indefinitely from public inspection. In the event that any person or entity requests disclosure of the confidential attachments, the Company requests that it be notified so that it can oppose the request.

If you have any questions concerning this matter, please contact me at (202) 326-7921.

Sincerely,



Aaron M. Panner

Enclosures (**REDACTED**)

cc: Julie Veach  
Lisa Gelb  
Ann Stevens  
Jodie May  
Pamela Arluk  
Heather Hendrickson  
Michelle Sclater

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